## IN THE UNITED STATES DISTRICT COURT CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED ROANOKE DIVISION HUM/7 9 2000

JUN 1 8 2009

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RICHARD EARL ALLEN,

Petitioner,

Case No. 7:09CV00208

v.

ERRY O'BRIEN,

) By: Glen E. Conrad

) United States District Judge

Respondent.
)

In accordance with the accompanying memorandum opinion, it is hereby

## **ORDERED**

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED** without prejudice; and this action is stricken from the active docket of the court.

ENTER: This 18th day of June, 2009.

United States District Judge